

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Constitution Petition No.D-1056 of 2024
(Sht. Kousar Vs. P.O Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before

Adnan-ul-Karim Memon, J

Amjad Ali Bohio, J

Date of hearing & Order 26.08.2024

Mr. Sandeep Kumar Maheshwari, Advocate for petitioner
Mr. Muhammad Shareef Solangi, Assistant A.G Sindh a/w Dr. M. Usman, DGHSS Hyderabad, Dr. Hemji, MS DHQ Hospital Mirpurkhas Dr. Jairam Das D.H.O Mirpurkhas and Dr. Nadeem Ahmed, Director Office Mirpurkhas.

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ORDER

Adnan-ul-Karim Memon, J. The petitioner sht. Kousar, widow of the late Soorjan, has filed this petition under Article 199 of The Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

- a. That this Honourable Court may be pleased to direct the respondents to release the pensionary benefits / Financial Assistance i.e. Rs. 900,000/-, Group Insurance i.e. Rs. 437,500/- and Benevolent Fund to the petitioner.
- b. That this Honourable court may be pleased to direct the respondents to frame a complete mechanism to provide the Benevolent funds to the widows/beneficiaries including the petitioner through a digital/computerized way i.e bank account as they all could benefit from such mechanism through the transparent process without any discrimination.
- c. Direct the Respondents to ensure that the Government rules / Policies about the pensionary benefits will be abide by and the request of the petitioner will be considered under law.
- d. Awarded any other relief(s) which this Honourable Court deems fit, just, and proper in favor of the petitioner.

2. Essentially, the petitioner's counsel is claiming that the respondents have unlawfully withheld the petitioner's due benefits and violated her rights. He argued that as the widow of the deceased Soorjan and is entitled to receive the financial assistance, group insurance amount, and

benevolent funds under the law. He next argued that despite multiple attempts, the respondents have refused to release the aforementioned funds.

3. The learned Assistant Advocate General (A.A.G) has submitted that the case of the petitioner along with other cases was put up before the District Benevolent Fund Mirpurkhas; however, due to the non-availability of the concerned record, the matter was referred for verification vide letter dated 13.08.2024 and the same is still pending and the payment shall be made to the petitioner as per her entitlement under the law; however, that is subject to availability of funds. Prima facie, this is no ground to withhold the service benefits of the deceased Soorjan who was serving as a sanitary worker in BPS-5 in the Health Department, Government of Sindh, and passed away during the service on 23.12.022. Besides, her financial assistance, group insurance, and benevolent funds to which she is legally entitled have not yet been paid to her. Let the same be paid to her within two weeks if she is at all entitled under the law. Let a copy of this order be transmitted to the respondents for compliance within time.

4. The petition stands disposed of in the above terms.

JUDGE

JUDGE

"Ali Sher"